

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

JEFFREY COHEN, EDITH D. RISSE,
JOANNE MIKSI, THOMAS EDWARD
JOHNSON, PAMELA A. BARNES, CECILIA
P. CALABRESE, JOHN CHRISTOPHER
MURPHY, PHYLLIS ANN SPROUT,
BRANDON LEE EDSALL, and ERICH
FRANZ HORGAN,

Plaintiffs,

v.

HON. ANDREA JOY CAMPBELL, in her
official capacity as Attorney General of the
Commonwealth of Massachusetts,

and

HON. WILLIAM FRANCIS GALVIN, in his
official capacity as Secretary of the
Commonwealth of Massachusetts,

Defendants.

Civil Action No.: _____

COMPLAINT

INTRODUCTION

1. Plaintiffs bring this action for relief in the nature of mandamus to challenge Defendant Attorney General's refusal to certify Initiative Petition No. 25-06, entitled *Initiative Petition for a Law to Require Compliance with the Current Absentee Ballot Procedure for Early Mail-in Voting in Massachusetts* ("Petition").

2. Plaintiffs seek an order ultimately requiring Defendant Attorney General to certify the Petition and preliminary injunctive relief immediately requiring Defendant Attorney General and Defendant Secretary of the Commonwealth to take all steps that they would have been

required to take under Amendment Article 48 of the Massachusetts Constitution (“Amendment Article 48”) had Defendant Attorney General certified the Petition.

PARTIES

3. Plaintiffs are registered voters in the Commonwealth of Massachusetts (“Commonwealth”) and are among the initial signers of the Petition.

4. On information and belief, Defendant the Hon. Andrea Joy Campbell, in her official capacity as Attorney General of the Commonwealth of Massachusetts, is the Chief Legal Officer of the Commonwealth, and has a principal place of business located at 1 Ashburton Place, Boston, MA 02108-1598.

5. On information and belief, Defendant the Hon. William Francis Galvin, in his official capacity as Secretary of the Commonwealth of Massachusetts, is the Chief Election Official of the Commonwealth, and has a principal place of business located at 1 Ashburton Place, Boston, MA 02108-1518.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this matter pursuant to G.L. c. 249, § 5.

7. Venue in this Court is proper under G.L. c. 214, § 5 and G.L. c. 223, § 1.

FACTS

8. Plaintiffs are registered voters in the Commonwealth.

9. Plaintiffs signed and filed the Petition, with the required certificates demonstrating that they are registered voters, with Defendant Attorney General on August 5, 2025 in compliance with Amendment Article 48. Defendant Attorney General assigned number 25-06 to the Petition. *See* Exhibit A (attached hereto).

10. On September 3, 2025, Defendant Attorney General informed Plaintiffs that she declined to certify the Petition as complying with Amendment Article 48. *See Exhibit B* (attached hereto).

11. Because Defendant Attorney General has declined to certify the Petition, she has not released a summary of the law that the Petition proposes to Plaintiffs and Defendant Secretary.

12. Without the certification and summary from Defendant Attorney General, Defendant Secretary will not prepare or release to Plaintiffs the necessary forms (i.e., blank petition forms for signing and their electronic PDF equivalent(s)) for Plaintiffs to gather additional signatures in support of the Petition.

13. If Defendant Secretary does not immediately prepare and release the necessary forms while this case is pending, Plaintiffs will be irreparably harmed in their effort to gather the constitutionally-required number of signatures in support of the Petition to submit to Defendant Secretary by the constitutionally-prescribed deadline of the first Wednesday in December of this year, i.e., by December 3, 2025.

14. Preparation and release of the necessary forms would cause no irreparable harm to Defendants and is in the public interest.

COUNT I

(Nature of Mandamus, G.L. c. 249, § 5)

15. Plaintiffs reallege and incorporate by reference the allegations set forth in paragraphs 1-14.

16. Defendant Attorney General's refusal to certify the Petition was legally erroneous.

17. Defendant Attorney General's refusal to prepare a summary of the law that the Petition proposes and release it to Plaintiffs and Defendant Secretary, based on her refusal to certify the Petition, was legally erroneous.

18. Defendant Attorney General violated her constitutional duty by refusing to certify the Petition and release the corresponding summary.

19. Plaintiffs are entitled to an order in the nature of mandamus ultimately requiring Defendant Attorney General to certify the Petition.

20. Plaintiffs are entitled to preliminary injunctive relief immediately requiring Defendant Attorney General to take all steps that she would have been required to take under Amendment Article 48 had she certified the Petition, including preparing a summary of the law that the Petition proposes and releasing it to Plaintiffs and Defendant Secretary.

21. Plaintiffs are entitled to preliminary injunctive relief immediately requiring Defendant Secretary to take all steps that he would have been required to take under Amendment Article 48 had Defendant Attorney General certified the Petition, including preparing the necessary forms (i.e., blank petition forms for signing and their electronic PDF equivalent(s)) and releasing them to Plaintiffs, so as to allow Plaintiffs to gather the constitutionally-required number of signatures in support of the Petition to submit to Defendant Secretary by the constitutionally-prescribed deadline of the first Wednesday in December of this year, i.e., by December 3, 2025.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that this Court:

(1) Issue a preliminary injunction requiring Defendant Attorney General to immediately prepare a summary of the law that the Petition proposes and release it to Plaintiffs and Defendant Secretary;

(2) Issue a preliminary injunction requiring Defendant Secretary to take all steps that he would have been required to take under of Amendment Article 48 had Defendant Attorney General certified the Petition, including immediately preparing and releasing to Plaintiffs the necessary forms (i.e., blank petition forms for signing and their electronic PDF equivalent(s)) for Plaintiffs to gather additional signatures in support of the Petition, with the exception of printing the proposed law in the Information for Voters Guide or on the ballot pending final disposition of this matter by the Supreme Judicial Court for the Commonwealth;

(3) Upon Plaintiffs filing in December of this year of proof that they submitted the constitutionally required number of signatures to Defendant Secretary, reserve and report this case to the Supreme Judicial Court for the Commonwealth, based upon a statement of agreed facts to be filed by the parties, for resolution of the question of whether Defendant Attorney General's refusal to certify the Petition was erroneous;

(4) If the Supreme Judicial Court for the Commonwealth rules that Defendant Attorney General's refusal to certify the Petition was erroneous, order Defendant Attorney General to certify the Petition and order Defendants to take all steps that they would have been required to take under of Amendment Article 48 had (i) Defendant Attorney General certified the Petition by September 3, 2025, and (ii) that the certification, summary of the law that the Petition

proposes, Petition, and all other necessary papers were provided to Defendant Secretary following that certification; and

(5) Award such other relief as this Court may deem just and proper.

Respectfully submitted,

Dated: September 8, 2025

/s/ Brian M. Gaff

Brian M. Gaff (BBO No. 642297)

215 South Broadway, Suite 308

Salem, NH 03079-3374

857-719-0100

781-581-9134 (fax)

bgaff@lawbmg.com

Attorney for Plaintiffs.

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2025, a true copy of the above document was filed through the Court's eFile system and a copy was served on the following individuals in the manner shown:

All Defendants via Email to:

Anne Sterman, Esq. (Anne.Sterman@mass.gov)
Phoebe Fischer-Groban, Esq. (Phoebe.Fischer-Groban@mass.gov)

Attorneys for Defendants

By First Class Mail to:

Hon. Andrea Joy Campbell
Attorney General of the Commonwealth of Massachusetts
1 Ashburton Place
Boston, MA 02108-1598

Hon. William Francis Galvin
Secretary of the Commonwealth of Massachusetts
1 Ashburton Place
Boston, MA 02108-1518

/s/ Brian M. Gaff
Brian M. Gaff (BBO No. 642297)

EXHIBIT A



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

Initiative Petition Information Sheet

Title of Petition: INITIATIVE PETITION FOR A LAW TO REQUIRE COMPLIANCE WITH THE
CURRENT ABSENTEE BALLOT PROCEDURE FOR EARLY MAIL-IN VOTING IN
MASSACHUSETTS

Petition Number: *(to be filled in by Attorney General's Office staff)*

Proponents' Contact

Name: Jeffrey Cohen

Residential Address: 18 Cobalt Street, Wilmington, MA 01887

Phone: (978) 604-2286

Email: jnc978@verizon.net

Business Address:

Phone:

Proponents' Attorney

Name:

Address:

Phone:

Email:

Optional:

Will the proponents propose a summary by the Monday, 5 days after the petition-filing deadline?

☐ Yes

☐ No

Will the proponents submit a memo of law by the Friday 9 days after the petition-filing deadline?

☐ Yes

☐ No

Please note that the above information will be made available to the public and particularly to possible opponents of certification. The Proponent and Proponents' Attorney (if any) will receive copies of any materials submitted by the public regarding certification.

(to be filled in by Attorney General's Office staff)

AGO Staff Person Receiving Petition:

Date:

EXHIBIT A

INITIATIVE PETITION FOR A LAW TO REQUIRE COMPLIANCE WITH THE CURRENT ABSENTEE BALLOT PROCEDURE FOR EARLY MAIL-IN VOTING IN MASSACHUSETTS

Be it enacted by the People, and by their authority:

SECTION 1. To enhance the integrity of the voting process in the Commonwealth, while preserving voters' ability to vote early in-person and by mail using the current absentee ballot procedure, Section 25B of Chapter 54 of the General Laws is hereby amended by striking out subsection (a), in its entirety including paragraphs (1) through (14), inclusive, thereof, and inserting a new subsection (a) that states, "Any registered voter wanting to vote early by mail may do so pursuant to Sections 86 through 103 of Chapter 54 of the General Laws provided that the registered voter is eligible to vote pursuant to at least one of the Sections 86 through 103 of Chapter 54 of the General Laws."

SECTION 2. This initiative shall be effective upon passage.

We have personally reviewed the above final text of this Initiative Petition, fully subscribe to its contents, and agree to be one of the original signers of the petition.

<u>Pamela A. Barnes</u> Signature <u>PAMELA A. BARNES</u> Printed Name Address: <u>32 MEENA DR.</u> <u>WORCESTER, MA 01603</u>	<u>C. P. Calabrese</u> Signature <u>Cecilia P. Calabrese</u> Printed Name Address: <u>75 wagon wheel Dr.</u> <u>Agawam, MA</u>	<u>Jessica L. Berchin</u> Signature <u>Jessica L. Berchin</u> Printed Name Address: <u>88 Lewis Ave</u> <u>West Springfield, MA</u>
<u>John C. Murphy</u> Signature <u>JOHN C. MURPHY</u> Printed Name Address: <u>246 MASSASOIT ROAD</u> <u>WORCESTER, MA</u> <u>01604</u>	<u>Daniel P. Fitzgerald</u> Signature <u>DANIEL P. FITZGERALD</u> Printed Name Address: <u>11 PATRICIA DR.</u> <u>GRAFTON, MA</u> <u>01519</u>	<u>Judith Valerie Stitt</u> Signature <u>Judith Valerie Stitt</u> Printed Name Address: <u>16 Ware St. #C</u> <u>Cambridge, MA 02138</u>
_____ Signature _____ Printed Name Address: _____	_____ Signature _____ Printed Name Address: _____	_____ Signature _____ Printed Name Address: _____
_____ Signature _____ Printed Name Address: _____	_____ Signature _____ Printed Name Address: _____	_____ Signature _____ Printed Name Address: _____

EXHIBIT A

INITIATIVE PETITION FOR A LAW TO REQUIRE COMPLIANCE WITH THE CURRENT ABSENTEE BALLOT PROCEDURE FOR EARLY MAIL-IN VOTING IN MASSACHUSETTS

Be it enacted by the People, and by their authority:

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We have personally reviewed the above final text of this Initiative Petition, fully subscribe to its contents, and agree to be one of the original signers of the petition.

Signature: <u>Joanne Miskis</u> Printed Name: <u>Joanne Miskis</u> Address: <u>15 Jackson Lane</u> <u>Wakefield MA 01880</u>	Signature: <u>Edith D. Risser</u> Printed Name: <u>Edith D. Risser</u> Address: <u>70 Todd Pond Rd.</u> <u>Lincoln, MA 01773</u>	Signature: _____ Printed Name: _____ Address: _____
Signature: <u>Jeffrey Cohen</u> Printed Name: <u>Jeffrey Cohen</u> Address: <u>18 Cobalt St</u> <u>Wilmington, MA 01887</u>	Signature: _____ Printed Name: _____ Address: _____	Signature: _____ Printed Name: _____ Address: _____
Signature: _____ Printed Name: _____ Address: _____	Signature: _____ Printed Name: _____ Address: _____	Signature: _____ Printed Name: _____ Address: _____
Signature: _____ Printed Name: _____ Address: _____	Signature: _____ Printed Name: _____ Address: _____	Signature: _____ Printed Name: _____ Address: _____

EXHIBIT A

INITIATIVE PETITION FOR A LAW TO REQUIRE COMPLIANCE WITH THE CURRENT ABSENTEE BALLOT PROCEDURE FOR EARLY MAIL-IN VOTING IN MASSACHUSETTS

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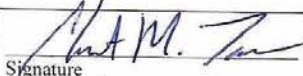
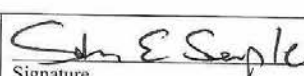
 Signature THOMAS R JOHNSON Printed Name Address: 44 Cottage St. Norwood, MA 02062	 Signature Chester M. Tamm Printed Name Address: 355 Carroll St. Dartmouth MA 02747	 Signature STEVEN EDWARD SAMPLE Printed Name Address: 56 Sandilwood Dr Attleboro MA 02703
Signature Printed Name Address:	Signature Printed Name Address:	Signature Printed Name Address:
Signature Printed Name Address:	Signature Printed Name Address:	Signature Printed Name Address:
Signature Printed Name Address:	Signature Printed Name Address:	Signature Printed Name Address:

EXHIBIT A

INITIATIVE PETITION FOR A LAW TO REQUIRE COMPLIANCE WITH THE CURRENT ABSENTEE BALLOT PROCEDURE FOR EARLY MAIL-IN VOTING IN MASSACHUSETTS

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SECTION 1. To enhance the integrity of the voting process in the Commonwealth, while preserving voters' ability to vote early in-person and by mail using the current absentee ballot procedure, Section 25B of Chapter 54 of the General Laws is hereby amended by striking out subsection (a), in its entirety including paragraphs (1) through (14), inclusive, thereof, and inserting a new subsection (a) that states, "Any registered voter wanting to vote early by mail may do so pursuant to Sections 86 through 103 of Chapter 54 of the General Laws provided that the registered voter is eligible to vote pursuant to at least one of the Sections 86 through 103 of Chapter 54 of the General Laws."

SECTION 2. This initiative shall be effective upon passage.

We have personally reviewed the above final text of this Initiative Petition, fully subscribe to its contents, and agree to be one of the original signers of the petition.

<u>Phyllis Sprout</u> Signature <u>Phyllis Sprout</u> Printed Name Address: 91 Quinagisset Ave Mashpee, MA 02649	<u>Brandon Lee Edsall</u> Signature <u>Brandon Lee Edsall</u> Printed Name Address: 808 Old Barnstable Rd, East Falmouth MA 02536	<u>Erich Franz Horgan</u> Signature <u>Erich Franz Horgan</u> Printed Name Address: 20 Morgan Rd. Woburn, MA 02543
Signature _____ Printed Name _____ Address: _____	Signature _____ Printed Name _____ Address: _____	Signature _____ Printed Name _____ Address: _____
Signature _____ Printed Name _____ Address: _____	Signature _____ Printed Name _____ Address: _____	Signature _____ Printed Name _____ Address: _____
Signature _____ Printed Name _____ Address: _____	Signature _____ Printed Name _____ Address: _____	Signature _____ Printed Name _____ Address: _____



The City of
WORCESTER

CITY CLERK DEPARTMENT

Niko Vangjeli, City Clerk
Stephen A.J. Pottle, Deputy City Clerk
Clare Robbins, Assistant City Clerk

VOTER REGISTRATION CERTIFICATE

We certify that PAMELA A. BARNES

is a registered voter at 32 MEENA DR.

as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

Niko Vangjeli
Paul Franco
John Pottle
Clare Robbins

July 25, 2025

(Today's Date: Month, Day, Year)

REGISTRARS OF VOTERS OR
ELECTION COMMISSIONERS

WORCESTER

(City or Town)

Room 208, City Hall ■ 455 Main Street ■ Worcester, Massachusetts 01608-1889
Telephone (508) 799-1134 ■ Fax (508) 799-1137
E-Mail: elections@worcesterma.gov

VOTER REGISTRATION CERTIFICATE

We certify that Cecilia P. Calabrese

is a registered voter at 75 Wagon Wheel Dr.

as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

[Signature]

Michelle Calabrese

[Signature]

July 23, 2025

(Today's Date: Month, Day, Year)

REGISTRARS OF VOTERS OR
ELECTION COMMISSIONERS

Agawam

(City or Town)

I CERTIFY THAT THIS IS A TRUE COPY OF THE
ORIGINAL

ATTEST: [Signature]

VINCENT GIOSCIA, TOWN CLERK
TOWN OF AGAWAM, MASSACHUSETTS, U.S.A.



The City of
WORCESTER

City Clerk Department
Nikolin Vangjeli, City Clerk
Stephen A.J. Pottle, Deputy City Clerk
Clare M. Robbins, Assistant City Clerk

VOTER REGISTRATION CERTIFICATE

WE CERTIFY THAT _____

_____ JOHN CHRISTOPHER MURPHY _____

is a registered voter at _246 Massasoit Road_____

as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

July 25, 2025
(Today's Date: Month, Day, Year)

REGISTRARS OF VOTERS OR
ELECTION COMMISSIONERS

WORCESTER
(City or Town)

VOTER REGISTRATION CERTIFICATE

We certify that Joanne Miksis

is a registered voter at WAKEFIELD

as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

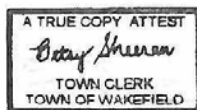
Betsy Sheeran
Kathleen A. Beaulieu
Wesley A. Becholt

July 23, 2025
(Today's Date: Month, Day, Year)

REGISTRARS OF VOTERS OR
ELECTION COMMISSIONERS

WAKEFIELD
(City or Town)

15 Jackson Lane
↙



VOTER REGISTRATION CERTIFICATE

We certify that EDITH D. RISSE

is a registered voter at 70 TODD POND RD., LINCOLN, MA 01773
as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

Margaret P. Zlot
Cheryl O. Burt

July 29, 2025
(Today's Date: Month, Day, Year)

REGISTRARS OF VOTERS OR
ELECTION COMMISSIONERS

LINCOLN
(City or Town)





TOWN OF WILMINGTON

121 GLEN ROAD
WILMINGTON, MA 01887

THE OFFICE
OF TOWN CLERK

VOICE (978) 658-2030
FAX (978) 657-7564

VOTER REGISTRATION CERTIFICATE

We certify that

Jeffrey Cohen

is a registered voter at 18 Cobalt St, Wilmington, MA, 01887
as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

Mary H. O'Connell
Robert L. Lucky
Kelly S.C. Richards

July 23, 2025
(Today's Date: Month, Day, Year)

REGISTRARS OF VOTERS OR
ELECTION COMMISSIONERS

WILMINGTON
(City or Town)



Commonwealth of Massachusetts

REGISTRARS OF VOTERS

JULIETTE A. BUGEAU
MARTHA A. PELLOWE
PATRICIA A. STERRITT
MARY LOU FOLAN, Clerk

VOTER REGISTRATION CERTIFICATE

We Certify that _____ Thomas Edward Johnson

Is a registered voter at _____ 44 Cottage Street

as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

July 23, 2025

(Today's Date: Month, Day, Year)

Registrars of Voters or
Election Commissioners

Juliette A. Bugeau

Martha A. Pellowe

Patricia A. Sterritt

NORWOOD



Town of Mashpee

Town Clerk

16 Great Neck Rd North
Mashpee, MA 02649
Phone #508-539-1418
Fax #508-539-1142

VOTER REGISTRATION CERTIFICATE

We certify that PHYLLIS ANN SPROUT

is a registered voter at 91 QUINNAQUISSET AVE, MASHPEE, MA

as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

Alecia Hancock

Yvonne E Courtney

Ann A. Vazirani

07-25-2025

(Today's Date: Month, Day, Year)

REGISTRARS OF VOTERS OR
ELECTION COMMISSIONERS

Mashpee
(City or Town)



**TOWN OF FALMOUTH
CLERK'S OFFICE**

59 Town Hall Square, Falmouth, MA 02540
(508) 495-7352 Fax (508) 457-2511

VOTER REGISTRATION CERTIFICATE

We certify that Brendon Lee Edsall

is a registered voter at 808 Old Barnstable Rd., E. Falmouth
as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

Michael Palmer

Angie Ann Apple

Kathleen Matson

July 30, 2025
(Today's Date: Month, Day, Year)

**REGISTRARS OF VOTERS OR
ELECTION COMMISSIONERS**

Falmouth
(City or Town)

VOTER REGISTRATION CERTIFICATE

We certify that Erich Franz Horgan
is a registered voter at 20 Morgan Rd Falmouth MA
as of the date of this certificate.

At least three registrars' names must be signed or stamped below.

Unigis, Inc.
Robert J. Kahan
Kathleen E. Mortenson

July 27, 2025
(Today's Date: Month, Day, Year)

REGISTRARS OF VOTERS OR
ELECTION COMMISSIONERS

Falmouth
(City or Town)

EXHIBIT A

No. 25-06

OFFICE OF THE ATTORNEY GENERAL
RECEIPT FOR INITIATIVE PETITION

Date: Aug 5, 2025

Received from Jeff Cohen of _____

an initiative petition, filed for review by the Attorney General, proposing an act or constitutional

amendment regarding: IP for a law to require compliance with the current absentee ballot procedure for early mail-in voting in MA

ANDREA JOY CAMPBELL
ATTORNEY GENERAL



Anne Sterman
Assistant Attorney General
617 963 2524
Anne.Sterman@mass.gov

NOTICE

An initiative petition filed with the Attorney General pursuant to Amendment Article 48 of the Massachusetts Constitution is reviewed to determine whether the petition conforms to the requirements of part 2, sections 2 and 3 of Amendment Article 48. If the petition meets these requirements, the Attorney General issues a certificate to the Secretary of the Commonwealth to that effect. She also encloses a fair, concise summary of the petition, for use on blanks for subsequent signatures, and for eventual placement on the ballot if the proponents obtain sufficient signatures.

Every effort will be made to complete the review process by Wednesday, September 3, 2025. You will be notified when the Attorney General's review is complete. Petitions should be picked up immediately upon notification; petitions will not be mailed. **You must produce a copy of this receipt when picking up your petition.** Petitions that have been certified should be filed immediately with the Secretary of the Commonwealth if you wish to continue with the initiative process.

EXHIBIT B



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

September 3, 2025

Jeffrey Cohen
18 Cobalt Street
Wilmington, MA 01887

Re: Initiative Petition No. 25-06, Initiative Petition for a Law to Require Compliance with the Current Absentee Ballot Procedure for Early Mail-in Voting in Massachusetts

Dear Mr. Cohen:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, we have reviewed the above-referenced initiative petition, which was submitted to the Attorney General on or before the first Wednesday of August this year. I regret that we are unable to certify that the proposed law complies with Article 48. Our decision, as with all decisions on certification of initiative petitions, is based solely on Article 48's legal standards and does not reflect the Attorney General's policy views on the merits of the proposed law.

Below, we describe the proposed law and then explain why we cannot certify it due to the operation of Article 48, The Init., Pt. 2, § 2, ¶ 3, which excludes initiative petitions that are "inconsistent with ... freedom of elections."

Description of Petition

The petition consists of two sections. The first section amends Section 25B of Chapter 54 of the General Laws by striking subsection (a) in its entirety and replacing it with a new subsection (a) stating: "Any registered voter wanting to vote early by mail may do so pursuant to Chapter 54 of the General Laws, provided that the registered voter is eligible to vote under at least one of Sections 86 through 103 of Chapter 54 of the General Laws." The second section provides that "the initiative shall take effect upon passage."

The Petition is Inconsistent with the Freedom of Elections

This measure would eliminate "no excuse" voting by mail while maintaining the existing



law on absentee voting. By necessary implication, it would require registered voters to vote in person unless they will be absent from their city or town on the day of the election or are unable to vote in person due to physical disability or religious belief. For this reason, the proposed law is inconsistent with the freedom of elections and is therefore excluded from the initiative petition process. See Article 48, The Init., Pt. 2, § 2, ¶ 3.

Article 9 of the Massachusetts Constitution's Declaration of Rights provides that "[a]ll elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments." "[T]he primary, if not the exclusive, purpose of this provision is to guarantee equality among all such voters." Moore v. Election Comm'rs of Cambridge, 309 Mass. 303, 325 (1941).

Application of the Article 9 standard requires examination of whether a law "impairs the freedom of a voter to express his choice as to men or measures." Bowe v. Sec'y of the Commonwealth, 320 Mass. 230, 249 (1946); see Opinion of the Justices, 375 Mass. 795, 810 (1978). This freedom is tempered by the Legislature's authority "to regulate elections in order to prevent bribery, fraud and corruption to the end that the people's right to vote may be protected." First Nat. Bank of Boston v. Attorney General, 362 Mass. 570, 587 (1972). "[A]s a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes." Storer v. Brown, 415 U.S. 724, 730 (1974); Goldstein v. Sec'y of Commonwealth, 484 Mass. 516, 524 (2020) (noting that, as "with many fundamental rights, the court has sustained statutes which reasonably regulate elections and access to a place on the ballot") (internal quotation and citation omitted). And courts have recognized that regulations to achieve the "necessary objectives" of fairness, honesty, and order will "inevitably affect[] - at least to some degree - the individual's right to vote." Anderson v. Celebrezze, 460 U.S. 780, 788 (1983).

To evaluate whether a law "impairs the freedom of a voter to express his choice as to men or measures," Bowe, 320 Mass. at 248, Massachusetts courts apply a "sliding scale approach" that "weigh[s] the character and magnitude of the burden the State's rule imposes on the plaintiffs' rights against the interests the State contends justify that burden, and consider the extent to which the State's concerns make the burden necessary." Libertarian Ass'n of Mass. v. Sec'y of the Commonwealth, 462 Mass. 538, 560 (2012) ("LAM") (internal quotations and citations omitted); Chelsea Collaborative v. Sec'y of the Commonwealth, 480 Mass. 27, 35 (2018) ("In general, this 'sliding scale' analytical framework [discussed in LAM] is appropriate for cases that involve voting rights under the Massachusetts Constitution").

In calibrating this sliding scale, courts first look to how burdensome a law is on the exercise of the right to vote. "Recognizing that [Article IX of] the Massachusetts Declaration of Rights may be more protective of voting rights than the Federal Constitution," courts will apply strict scrutiny to any voting requirement that "significantly interfere[s]" with the fundamental right to vote. Goldstein, 484 Mass. at 524. At the other end of the sliding scale, where a law does not "significantly interfere with the right to vote but merely regulate[s] and affect[s] the exercise of that right to a lesser degree," courts will examine the law under "rational basis review to assure [its] reasonableness." Chelsea Collaborative, 480 Mass. at 34. Some regulations on the

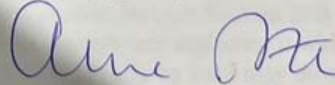
right to vote, however, will fall somewhere "between these two extremes." Chelsea Collaborative, 480 Mass. at 48-49 (Gants, C.J., concurring opinion) (citing Obama for Am. v. Husted, 697 F.3d 423, 429 (6th Cir. 2012)). In these circumstances, courts apply "a more flexible standard," under which "the rigorosity of our inquiry ... depends upon the extent to which a challenged regulation burdens" voters' rights. Id. (citing Burdick v. Takushi, 504 U.S. 428, 434 (1992)).

Here, the proposed law would "impair[] the freedom of a voter to express his choice as to men or measures" by requiring in-person voting unless the narrow statutory criteria for absentee voting are met. The "character and magnitude of the [resulting] burden" would be substantial for voters who face barriers to voting in person, whether from work schedules, caregiving responsibilities, transportation issues, unforeseen emergencies, illness, advanced age, or another reason. Given the significance of the burden imposed on such voters, a court would likely employ strict scrutiny in evaluating the constitutional validity of the proposed law. See Goldstein, 484 Mass. at 524 (court will apply strict scrutiny to any voting requirement that "significantly interfere[s]" with the fundamental right to vote). The court would consider the governmental interests served by the imposition of the burden and the extent to which those interests necessitate the burden. See LAM, 462 Mass. at 560.

No officially noticeable facts have been brought to the attention of the Attorney General suggesting that "no excuse" voting by mail increases the risk of bribery, fraud, or corruption in voting or undermines the Commonwealth's valid interest in promoting honesty, fairness, and order in the administration of its elections. See Anderson, 460 U.S. at 788; Storer, 415 U.S. at 730; Goldstein, 484 Mass. at 524; First Nat. Bank of Boston, 362 Mass. at 587. Even if officially noticeable facts demonstrated such a risk, it has not been established that methods less restrictive than elimination of "no excuse" voting by mail could not be employed to remediate that risk. Because we cannot determine that the proposed law's elimination of "no excuse" voting by mail is necessitated by a compelling governmental interest, we must conclude that the petition is inconsistent with the freedom of elections.

For the reasons discussed above, the Attorney General's Office is unable to certify that Petition No. 25-06 meets the constitutional requirements for certification set by Amendment Article 48.

Very truly yours,



Anne Sterman
Chief, Government Bureau
617-963-2524

cc: William Francis Galvin, Secretary of the Commonwealth

**SUPREME JUDICIAL COURT
SINGLE JUSTICE CASE COVER SHEET**

Section 1:

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BBO Number: 642297

Attorney

Name: _____
Address: _____
City: _____ State: _____
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Phone: _____
Email: _____
BBO Number: _____

Role in Lower Court (if applicable): (Select one)

Section 2:

Opposing Party

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Role in Lower Court (if applicable): (Select one)

Opposing Party

Name: Hon. William Francis Galvin i
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Opposing Party

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Address: _____
City: _____ State: _____
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Self-Represented? (Select one)

Attorney

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
Phone: _____
Email: _____
BBO Number: _____

Attorney

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
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Section 3:

Nature of Single Justice Case

1. In the Nature of Mandamus



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4. Agency Disposition: _____
5. Date of Notice of Appeal (if applicable): _____

Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025

**SUPREME JUDICIAL COURT
SINGLE JUSTICE CASE COVER SHEET**

Section 1:

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Self-Represented? (Select one)

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Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025

**SUPREME JUDICIAL COURT
SINGLE JUSTICE CASE COVER SHEET**

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BBO Number: 642297

Attorney

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Email: _____
BBO Number: _____

Role in Lower Court (if applicable): (Select one)

Section 2:

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Self-Represented? (Select one)

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Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025

**SUPREME JUDICIAL COURT
SINGLE JUSTICE CASE COVER SHEET**

Section 1:

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BBO Number: 642297

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Address: _____
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Zip code: _____
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Role in Lower Court (if applicable): (Select one)

Section 2:

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Self-Represented? (Select one)

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Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025

**SUPREME JUDICIAL COURT
SINGLE JUSTICE CASE COVER SHEET**

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Attorney

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Zip code: _____
Phone: _____
Email: _____
BBO Number: _____

Role in Lower Court (if applicable): (Select one)

Section 2:

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BBO Number: 687068

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Opposing Party

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Self-Represented? (Select one)

Attorney

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Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025

**SUPREME JUDICIAL COURT
SINGLE JUSTICE CASE COVER SHEET**

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Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025

**SUPREME JUDICIAL COURT
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Phone: 857-719-0100
Email: bgaff@lawbmg.com
BBO Number: 642297

Attorney

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
Phone: _____
Email: _____
BBO Number: _____

Role in Lower Court (if applicable): (Select one)

Section 2:

Opposing Party

Name: Hon. Andrea Joy Campbell i
Address: 1 Ashburton Pl.
City: Boston State: MA
Zip code: 02108
Phone: 617-727-2200
Email: AGOcommunityengagement@n
Self-Represented? No

Attorney

Name: Anne Sterman
Address: 1 Ashburton Pl.
City: Boston State: MA
Zip code: 02108
Phone: 617-727-2000
Email: anne.sterman@mass.gov
BBO Number: 650426

Attorney

Name: Phoebe Fischer-Groban
Address: 1 Ashburton Pl.
City: Boston State: MA
Zip code: 02108
Phone: 617-963-2589
Email: Phoebe.Fischer-Groban@mass.go
BBO Number: 687068

Role in Lower Court (if applicable): (Select one)

Opposing Party

Name: Hon. William Francis Galvin i
Address: 1 Ashburton Pl.
City: Boston State: MA
Zip code: 02108
Phone: 617-727-7030
Email: CIS@sec.state.ma.us
Self-Represented? No

Attorney

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City: Boston State: MA
Zip code: 02108
Phone: 617-727-2000
Email: anne.sterman@mass.gov
BBO Number: 650426

Attorney

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Email: Phoebe.Fischer-Groban@mass.go
BBO Number: 687068

Role in Lower Court (if applicable): (Select one)

Opposing Party

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
Phone: _____
Email: _____
Self-Represented? (Select one)

Attorney

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
Phone: _____
Email: _____
BBO Number: _____

Attorney

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
Phone: _____
Email: _____
BBO Number: _____

Role in Lower Court (if applicable): (Select one)

Section 3:

Nature of Single Justice Case

1. In the Nature of Mandamus



Section 4:

Lower Court Information (if applicable)

1. Lower Court Case Caption: N/A
2. Lower Court: _____
3. Lower Court Docket Number: _____
4. Lower Court Judge: _____
5. Lower Court Matter for Review: _____
6. Lower Court Ruling: _____
7. Date of Lower Court Ruling: _____
8. Date of Notice of Appeal (if applicable): _____
9. Date of next event in Trial Court (if applicable): _____

Is any information in the record impounded in the Lower Court? If yes, please describe that information below.

Is a motion to impound included in your filing? (Select one)

Section 5:

Agency Information (if applicable)

1. Agency Name: N/A
2. Agency Proceeding Docket Number: _____
3. Date of Agency Ruling: _____
4. Agency Disposition: _____
5. Date of Notice of Appeal (if applicable): _____

Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025

**SUPREME JUDICIAL COURT
SINGLE JUSTICE CASE COVER SHEET**

Section 1:

Party Filing

Name: Phyllis A. Sprout
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Phone: 774-238-0536
Email: sproutes@comcast.net
Self-Represented? No ☒

Attorney

Name: Brian M. Gaff
Address: 215 South Broadway, Ste 204
City: Salem State: NH
Zip code: 03079
Phone: 857-719-0100
Email: bgaff@lawbmg.com
BBO Number: 642297

Attorney

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
Phone: _____
Email: _____
BBO Number: _____

Role in Lower Court (if applicable): (Select one)

Section 2:

Opposing Party

Name: Hon. Andrea Joy Campbell i
Address: 1 Ashburton Pl.
City: Boston State: MA
Zip code: 02108
Phone: 617-727-2200
Email: AGOcommunityengagement@n
Self-Represented? No

Attorney

Name: Anne Sterman
Address: 1 Ashburton Pl.
City: Boston State: MA
Zip code: 02108
Phone: 617-727-2000
Email: anne.sterman@mass.gov
BBO Number: 650426

Attorney

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Attorney

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Phone: 617-727-2000
Email: anne.sterman@mass.gov
BBO Number: 650426

Attorney

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Phone: 617-963-2589
Email: Phoebe.Fischer-Groban@mass.go
BBO Number: 687068

Role in Lower Court (if applicable): (Select one)

Opposing Party

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
Phone: _____
Email: _____
Self-Represented? (Select one)

Attorney

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
Phone: _____
Email: _____
BBO Number: _____

Attorney

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Section 3:

Nature of Single Justice Case

1. In the Nature of Mandamus



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Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025

**SUPREME JUDICIAL COURT
SINGLE JUSTICE CASE COVER SHEET**

Section 1:

Party Filing

Name: Brandon L. Edsall
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Zip code: 02536
Phone: 774-238-0536
Email: maineorbust@1791.com
Self-Represented? No ☒

Attorney

Name: Brian M. Gaff
Address: 215 South Broadway, Ste 24
City: Salem State: NH
Zip code: 03079
Phone: 857-719-0100
Email: bgaff@lawbmg.com
BBO Number: 642297

Attorney

Name: _____
Address: _____
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BBO Number: _____

Role in Lower Court (if applicable): (Select one)

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City: Boston State: MA
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Role in Lower Court (if applicable): (Select one)

Opposing Party

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
Phone: _____
Email: _____
Self-Represented? (Select one)

Attorney

Name: _____
Address: _____
City: _____ State: _____
Zip code: _____
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Email: _____
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Attorney

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Nature of Single Justice Case

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Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025

**SUPREME JUDICIAL COURT
SINGLE JUSTICE CASE COVER SHEET**

Section 1:

Party Filing

Name: Erich F. Horgan
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Email: ehorgan@protonmail.com
Self-Represented? No ☒

Attorney

Name: Brian M. Gaff
Address: 215 South Broadway, Ste 24
City: Salem State: NH
Zip code: 03079
Phone: 857-719-0100
Email: bgaff@lawbmg.com
BBO Number: 642297

Attorney

Name: _____
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BBO Number: _____

Role in Lower Court (if applicable): (Select one)

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Nature of Single Justice Case

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Signature: /s/ Brian M. Gaff
BBO No. 642297 **Date:** Sept. 8, 2025